

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**LAKERIDGE ENTERPRISES, INC.,
RESPONDENT**

vs.

**JAMES KNOX, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE OF THE ALBERT
STOCKMAN REVOCABLE TRUST AND THE NORA STOCKMAN REVOCABLE
TRUST, et al.,
APPELLANT**

DOCKET NUMBER WD70444

DATE: FEBRUARY 9, 2010

Appeal from:

The Circuit Court of Saline County, Missouri
The Honorable Hugh C. Harvey, Judge

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

Attorneys:

Benjamin S. Creedy, for Respondent

James T. Buckley, for Appellant

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

LAKERIDGE ENTERPRISES, INC., RESPONDENT

v.

**JAMES KNOX, INDIVIDUALLY AND AS SUCCESSOR TRUSTEE
OF THE ALBERT STOCKMAN REVOCABLE TRUST AND THE
NORA STOCKMAN REVOCABLE TRUST, et al., APPELLANT**

WD70444

Saline County, Missouri

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and James E. Welsh, JJ.

James Knox, individually and as successor trustee of the Albert Stockman Trust, appeals from a judgment entered in the Circuit Court of Saline County in favor of Lakeridge Enterprises, Inc. in an action filed by Lakeridge asserting claims of misrepresentation and breach of contract.

AFFIRMED IN PART, REVERSED IN PART.

Division Two holds:

- (1) Where the petition alleged that Knox was acting in the scope of his authority as trustee at all times referenced and the contract, incorporated by reference in the petition, stated that it was executed by Knox as trustee of the Albert Stockman Trust, any breach of contract claim against Knox individually was defective on its face as § 456.10-1010.1 provides “a trustee is not personally liable on a contract properly entered into in the trustee’s fiduciary capacity if the trustee in the contract disclosed that fiduciary capacity.

Opinion by: Joseph M. Ellis, Judge

Date: February 9, 2010

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